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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,456

03/18/2005

Solange Akselrod

29429

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67801

7590

10/26/2009

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EXAMINER

MANUEL, GEORGE C

ART UNIT

PAPER NUMBER

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MAIL DATE

DELIVERY MODE

10/26/2009

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10528456	3/18/05	AKSELROD ET AL.	29429

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EXAMINER

George Manuel

ART UNIT	PAPER
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3762	20091021
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DATE MAILED:

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Commissioner for Patents

On September 9, 2009, the Office received a petition requesting that the Office accept color drawings in the present application.

37 CFR 1.84(a)(2) states:

Color. On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:

- (i) The fee set forth in § 1.17(h);
- (ii) Three (3) sets of color drawings;
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:
The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

37CFR 1.84(b)(2) states:

- (2) Color photographs. Color photographs will be accepted in utility and design patent applications if the conditions for accepting color drawings and black and white photographs have been satisfied. See paragraphs (a)(2) and (b)(1) of this section.

Applicants have requested that the Office accept the color drawings filed on September 9, 2009, for the present utility patent application.

Applicants assert Color Drawings are necessary to distinguish different lines.

It appears from a review of the present application that the subject matter of the drawings can be represented as well without resorting to the use of color drawings.

The use of color drawings does not appear to be the only practical medium by which to disclose the subject matter sought to be patented, shading and indicia in lieu of specific colors is seen as being capable of adequately representing of Applicant's invention. Hence, the petition is denied.

/Carl H. Layno/
SPE, Art Units 3762 (acting) & 3766

/George Manuel/
Primary Examiner
Art Unit: 3762